

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : S1 2007 Cr. 753 (AKH)

-v- : NOTICE OF MOTION

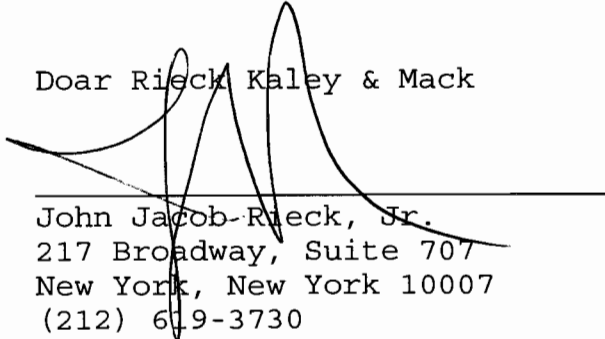
FELIX MARIZAN-BRITO, :  
a/k/a "Jose Miguel Gonzalez," :  
MARIA EDUVIGIS POLO, DILENNY :  
MERCEDES DUARTE, CARLOS ROBLES, JOSE :  
EMENEGILDO MEJIA-VOLQUEZ, :  
a/k/a "Mejias Giovanni," :  
MANUEL BALDERA, ANTONIA BETREIZ POLO, :  
and ANGELO TAVAREZ, :  
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PLEASE TAKE NOTICE that, upon the affidavit of Dilenny M. Duarte dated March 2, 2008 and all other papers and proceedings herein, the defendant Dilenny M. Duarte will move this Court on March 19, 2008 before the Honorable Alvin K. Hellerstein, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY for an Order suppressing certain post-arrest statements or in the alternative a hearing to determine the statements admissibility.

Dated: March 3, 2008  
New York, New York

Doar Rieck Kaley & Mack

By:

  
\_\_\_\_\_  
John Jacob Rieck, Jr.  
217 Broadway, Suite 707  
New York, New York 10007  
(212) 619-3730

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : S1 07 Cr. 753 (AKH)

FELIX MARIZAN-BRITO, : AFFIDAVIT OF  
a/k/a "Jose Miguel Gonzalez," : DILENNY M. DUARTE  
MARIA EDUVIGIS POLO, DILENNY : IN SUPPORT OF  
MERCEDES DUARTE, CARLOS ROBLES, JOSE : MOTION TO SUPPRESS  
EMENEGILDO MEJIA-VOLQUEZ, :  
a/k/a "Mejias Giovanni," :  
MANUEL BALDERA, ANTONIA BETREIZ POLO, :  
and ANGELO TAVAREZ, :

Defendants. :

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Dilenny M. Duarte, having been sworn and under the  
penalties of perjury, states the following is true:

1) I am one of the defendants in this action.

2) I make this affidavit in support of a motion to  
suppress certain post-arrest statements claimed to have been made  
by me.

3) On July 12, 2007, I was inside apartment 6-H at 282  
Cabrini Boulevard in Upper Manhattan. All of a sudden, I became  
aware there were police officers inside the apartment.

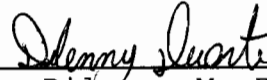
4) After the police entered, I was shoved to the floor.  
Very shortly thereafter, I was placed in handcuffs.

5) Soon everyone in the apartment - me and two others -  
were in handcuffs.

6) As the police were searching the apartment, at some  
point the police began asking me questions. I was still in

handcuffs. At no point, was I advised of any right I may have had to remain silent or consult an attorney. At no point was I told I did not have to respond to the questions being asked.

7) I was asked questions inside apartment 6-H and thereafter I was questioned when I was transported to New Jersey where I remained in handcuffs.



Dileny M. Duarte

Sworn to me this 2  
day of March, 2008.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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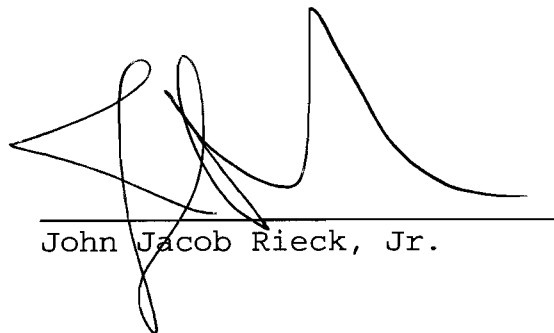
UNITED STATES OF AMERICA, : S1 2007 Cr. 753 (AKH)

-v- : CERTIFICATE OF SERVICE

FELIX MARIZAN-BRITO, :  
a/k/a "Jose Miguel Gonzalez," :  
MARIA EDUVIGIS POLO, DILENNY :  
MERCEDES DUARTE, CARLOS ROBLES, JOSE :  
EMENEGILDO MEJIA-VOLQUEZ, :  
a/k/a "Mejias Giovanni," :  
MANUEL BALDERA, ANTONIA BETREIZ POLO, :  
and ANGELO TAVAREZ, :  
- - - - - x

John Jacob Rieck, Jr. certifies under penalty for  
perjury on March 3, 2008 I served by hand and telefax the  
attached Notice of Motion and Affidavit of Dilenny M. Duarte on  
Marshall A. Camp, Esq. office of the United States Attorney, One  
St. Andrews Plaza, New York, New York.

Dated: March 3, 2008  
New York, New York



John Jacob Rieck, Jr.